

Exhibit 2

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW COLBORN,

Plaintiff,

COPY

-VS-

CIVIL ACTION NO. 19-CV-0484-BHL

NETFLIX, INC., ET AL.,

VOLUME I

Defendants.

VIDEOTAPED DEPOSITION OF

ANDREW L. COLBORN

DATE: July 21, 2022

TIME: 9:23 a.m. - 5:22 p.m.
LOCATION: Godfrey & Kahn, S.C.
833 East Michigan Street
Suite 1800
Milwaukee, Wisconsin 53202

REPORTED BY:

Paula Huettenrauch, RMR, CRR
365Reporting, LLC

VIDEOGRAPHER:

Jon Hansen, CLVS
Video Concepts
608.408.7411

1 **Times Reporter**, which is the newspaper in Manitowoc
2 County, Wisconsin, correct?

3 A Yes, it is.

4 Q And the date in the upper left-hand corner
5 there is January 31st, 2007. Do you see that?

6 A Sorry. No, I don't. Where is that?

7 Q (Indicating.)

8 A Oh, yes.

9 Q Do you read the Herald Times Reporter?

10 A I don't have a subscription. I occasionally
11 look at it online.

12 Q Do you agree what you were reading the
13 Herald Times Reporter back in 2007?

14 A Yes, I'm sure there were days in 2007 that
15 I -- that I read the paper, yes.

16 Q Do you have any specific recollection of
17 reading this article?

18 A I do not.

19 Q I'll read the headline of the top article to
20 you. "Defense allowed to point finger at deputies."
21 Do you have any quibble with the accuracy of that
22 headline?

23 MR. BURNETT: Objection, foundation.

24 A I have an objection with everything the
25 media --

1 Q Mr. Colborn, you don't get to object today.
2 You only get to answer questions. Your attorney gets
3 to object.

4 My question is do you dispute the accuracy
5 of that headline? I know you -- I know you dispute
6 that you planted evidence or the defense's theory, if
7 we can call it that, but do you dispute the accuracy
8 of the headline that the, quote, defense was allowed
9 to point finger at deputies? Do you dispute that?

10 A I'm sorry, Mrs. Walker. I thought your
11 question was do I object to the headline.

12 Q No. Do you dispute its accuracy that this
13 is what the defense was allowed to do?

14 MR. BURNETT: Objection, foundation.

15 A No, I don't dispute the headline.

16 Q And then there's a subheadline, "Judge:
17 Attorneys allowed to prove Avery framed." You don't
18 dispute the accuracy of that headline, do you?

19 MR. BURNETT: Objection, foundation.

20 A I'm not sure what you mean by "accuracy of
21 that headline." That's certainly what's printed here
22 in front of me. I don't recall the specific arg --
23 article, but I'm not going to dispute that that's
24 what's written and in front of me.

25 Q I'm asking you a little bit more than that.

1 I'm asking whether you dispute the accuracy of the
2 contents, the substance of what's being said here.

3 I can ask it differently. Isn't it true
4 that the judge allowed the attorneys to prove that
5 Avery was framed?

6 MR. BURNETT: Objection, foundation.

7 MS. WALKER: Again, he attended portions
8 of the trial and was cross-examined on this very
9 topic. I think he can answer the question.

10 MR. BURNETT: I didn't tell him not to
11 answer the question. I objected to the foundation.
12 I don't think you've established personal knowledge,
13 but go ahead.

14 A Yes, it's my understanding that the judge
15 allowed that.

16 Q So, Mr. Colborn, let me ask you just one
17 more time if you'll go back to the proposed
18 stipulations 7, 8, and 9. Are you still going to
19 refuse to admit those? And I'll let you read them if
20 you need to.

A Yes, I'm not going to stipulate to those.

22 Q All right. Let's take a look at Exhibit 7,
23 which I'll hand you in just a moment.

24 A Okay.

25 (Exhibit 7 marked for identification.)

1 **Schuler, correct?**

2 A Correct.

3 Q And the email that Brenda sent to you was an
4 email she sent to someone named Mr. Ferak. Mr. Ferak
5 is referenced in the stipulations you did agree to.

6 **He's a former journalist, correct?**

7 A I'm not 100 percent positive, but I believe
8 he still is a journalist. I believe he's the editor
9 of the Patch newspaper in Joliet, Illinois.

10 Q **And she's writing to Mr. Ferak in your**
11 **defense, and I will point you down in her email maybe**
12 **eight lines where she says, "There is nothing new in**
13 **Making a Murderer, other than an incredibly slanted**
14 and selectively edited (read splicing of actual
15 testimony days apart into one) version based of the
16 Defense's view." Do you see where I'm reading?

17 A Yes. Yes.

18 Q **And I read that correctly, correct?**

19 A Yes, you did.

20 Q **And you forwarded this to your wife at the**
21 **time, correct?**

22 A Yes.

23 Q **And that's because you agreed with**
24 **Ms. Schuler, correct?**

25 A As it pertained to Mr. Ferak, yes, I did.

1 Q Right. And you agreed there was nothing new
2 in Making a Murderer, and it was a slanted version
3 based on the defense's view, correct?

4 A I didn't include any comments on that.

5 Q That wasn't my --

6 A I forwarded this to my ex-wife.

7 Q That's not -- that's not my question. You
8 forwarded it because you agreed with what Ms. Schuler
9 wrote here, correct?

10 A I forwarded it because my ex-wife was
11 concerned about all the negative press we were
12 receiving from Mr. Ferak, who was a local reporter in
13 Wisconsin at the time.

14 Q Okay. You can just say no, and I can ask a
15 new question. Well, I'll just ask -- I'll ask it
16 this way. Do you disagree with Ms. Schuler and what
17 she said here?

18 A I don't disagree with her opinion, no.

19 Q Let's take a look at that proposed
20 stipulation number 15, if you could go back to
21 Exhibit 1.

22 A Okay.

23 Q I'll read it out loud to you. We asked you
24 to agree that "Even prior to its release, Mr. Colborn
25 understood that Making a Murderer would not portray

1 MR. BURNETT: I'll withdraw the
2 objection. You can answer.

3 A I disagree with that statement.

4 Q **On what basis? Let me -- let me ask you.**
5 **You've not watched the whole thing?**

6 A Correct.

7 Q **In fact, you haven't even watched the last**
8 **three episodes at all according to your stipulated**
9 **facts, correct?**

10 A That is correct, yes.

11 Q **So you have no idea in those last three**
12 **episodes whether it tells both sides of the stories,**
13 **raises questions, or encourages viewers to reach**
14 **their own conclusion? You just don't know, correct?**

15 A I don't know any of the content of the last
16 three episodes, that's correct.

17 Q **Can you point me to where in Making a**
18 **Murderer it contends that you planted evidence to**
19 **frame Avery for Teresa Halbach's murder?**

20 A I believe there's quite a few examples in
21 the Complaint that were -- so I'm not an attorney.

22 Q **I know.**

23 A I hired attorneys to do the research to find
24 that evidence.

25 Q **I'm just asking you -- yeah. And your**

1 **Steven Avery?**

2 A I'm sorry. Can you repeat that? I'm sorry.

3 Q **So I'll represent to you in the three**
4 **episodes you didn't watch --**

5 A Yes.

6 Q **-- the reading of the verdict is shown --**

7 A Okay.

8 Q **-- and Steven Avery is walked out of the**
9 **courtroom in handcuffs to jail. That detracts from**
10 **any strong and definite statement that you planted**
11 **evidence to frame him, correct?**

12 A I don't know. Without watching it, I don't
13 know. I don't know how -- in what context it was
14 shown, so I don't know.

15 Q **Do you have any intention of watching Making**
16 **a Murderer in its entirety?**

17 A No.

18 Q Okay.

19 A I don't.

20 Q **Despite litigating a federal lawsuit that**
21 **may go to trial, you don't plan to watch the**
22 **documentary that you've sued over?**

23 A It's ruined my life. I'm not going to pay
24 to watch it.

25 Q **Well, that's not my question, and I'll move**

such a thing! But a majority assumed he was guilty--why would the police have arrested him if he wasn't involved?"

4 I think I skipped over a sentence about
5 Nancy Grace, but otherwise, did I read that
6 correctly?

7 | A Yes.

8 Q And do you agree with this assessment of the
9 local reaction to the murder of Teresa Halbach and
10 the arrest of Steven Avery?

11 A I'll agree that there were some in the
12 community that thought he was innocent; some thought
13 he had done this again. I don't know if the majority
14 was one way or the other. That's Mike's opinion.

15 | (Exhibit 15-B marked for identification.)

Q Understood. So I'll now hand you
Exhibit 15-B, which is also from The Innocent Killer.
This is from a few pages later in the book, page 215.
And in the third paragraph down, Mr. Griesbach wrote,
"The Avery case was naturally the chief topic of
discussion at Warren's from the date of Teresa
Halbach's appearance" [sic] "until the end of the
trial. From Mike the window washer to the county
executive, everyone at Warren's had an opinion about
the case, and given what I do for a living, they

1 **quote. You would agree with Ms. Heinzen's**
2 **assessment, correct?**

3 A Mrs., I believe, and, you know, that might
4 be her interpretation of it, but yes, certainly Avery
5 had his supporters and not quite or anywhere near as
6 vocally. Law enforcement probably had a few
7 supporters as well.

8 Q So I want to turn again to Exhibit 1 and
9 those stipulations that we proposed.

10 A Okay.

11 Q And specifically numbers 11, 13, and 14.
12 I'll read them out loud. Number 11 says, "Mr.
13 Colborn felt wronged by the frame-up theory put forth
14 by the defense at Mr. Avery's trial."

15 Number 13 says, "Mr. Colborn felt the
16 frame-up theory put forth by the defense at
17 Mr. Avery's trial harmed his reputation."

18 And number --

19 A Hang on one second, okay? So you're reading
20 11, 12, and 13, because mine says 13 blank --

21 Q Yes.

22 A -- and 11.

23 Q I know. If you could flip to the ones we
24 proposed --

25 A Okay.

1 A Yes.

2 Q She told us that you felt like the system
3 turned on you by letting the evidence planting theory
4 be introduced at trial. Do you agree with that?

5 A Again, I don't ever recall telling her that
6 the system turned on me. I probably told her I
7 didn't feel that the officers involved in the
8 investigation were getting the backing that they
9 probably needed from the county.

10 Q She --

11 A I'm sorry. Go ahead.

12 Q She told us that you were afraid you were
13 going to be sent to prison. Do you agree with that?

14 A No.

15 Q She said that you were not yourself during
16 the trial. Do you agree with that?

17 A Yes.

18 Q She said that you were quiet and could only
19 focus on the trial. Do you agree with that?

20 A Yes.

21 Q She said you would pace in the house. Do
22 you agree with that?

23 A Yes.

24 Q She said you were withdrawn. Do you agree
25 with that?

1 A Well, I've been withdrawn all my life, so
2 certainly, yes, I agree with that.

3 Q **She said you started drinking more during**
4 **the trial. Do you agree with that?**

5 A Well, I'm not going to sit here and say I
6 crawled into the bottle because I didn't, but
7 certainly, yes, I probably used that as some sort of
8 way to de-stress after work, yes.

9 Q **She said you stopped going out in public.**
10 **Do you agree with that?**

11 A Yes.

12 Q **She said you started avoiding people. Do**
13 **you agree with that?**

14 A That would be more after the release of
15 Making a Murderer, not during the trial.

16 Q **She said that you started feeling like you**
17 **couldn't trust anyone during the trial. Do you agree**
18 **with that?**

19 A No.

20 Q **So I'll ask you to look one more time at**
21 **those proposed stipulations, number 11 --**

22 A Okay.

23 Q **-- 13, and 14. And my --**

24 A 11, 13, and 14?

25 Q **And my question is will you agree to them?**

1 Q Is it how you felt at the time of the trial?

2 A There were times that I was angry, yes.

3 Q And it was because your integrity was being
4 questioned?

5 A It was -- among other things, yes, yes.

6 Q And you felt like no one was coming to your
7 defense?

8 A Well, I'm speaking specifically about the
9 media, yes. No, I didn't feel any member or news
10 organization was coming to our defense, no.

11 Q And you felt like your reputation was taking
12 a hit, correct?

13 A Certainly.

14 Q So now go to page 23.

15 A Of the same document?

16 Q Of the same exhibit.

17 A Okay. All right. I have it.

18 Q That second full paragraph, minute marker
19 1:14:15. Do you see that?

20 A The one that starts, "So Mr. Ferrick"?

21 Q Yes.

22 A Yes.

23 Q It says, "So Mr. Ferrick on one occasion had
24 written an article and it prompted a lot of death
25 threats." Did I read that correctly?

1 A Yes.

2 Q Do you remember making this statement to the
3 filmmakers of Convicting a Murderer?

4 A You know, I don't -- I told you earlier I
5 don't specifically recall, but you told me this is an
6 exact excerpt of Brenda Schuler's -- or whoever
7 interviewed me, that this is the excerpt of what I
8 said.

9 Q Right. No reason to dispute that you said
10 it, correct?

11 A I'm not disputing I said that.

12 Q And that's a true statement in your mind,
13 correct --

14 A Yes.

15 Q -- that he wrote an article and it prompted
16 a lot of death threats?

17 A Yes.

18 Q Okay. Will you go back to Exhibit 1 and
19 look at our proposed stipulation number 25?

20 A Yeah.

21 Q You have to go back here.

22 A No, I have to read, though, this whole thing
23 because that may -- that article may have been about
24 another case that had nothing to do with Steven
25 Avery. Mr. Ferak was also going after our department

1 Q **Correct.**

2 A Yes. The sheriff's department instructed me
3 to do it.

4 Q **And did you know that that statement was
5 recorded and included in Episode 8 of Making a
6 Murderer?**

7 A Well, having not watched Episode 8, no, I
8 don't know that statement was made.

9 Q **And I'll --**

10 A So I wouldn't know what context or anything.

11 Q **I'll read the statement to you. You told
12 the press, I hope and pray that this verdict helps
13 put to rest any suspicions or loss of confidence that
14 this community may have felt towards our department
15 because I assure everyone that this agency has some
16 of the finest law enforcement officers in the country
17 in its employ.**

18 **I know you don't remember it word for word,
19 but does that sound like what you said?**

20 A I certainly would have stood up for our
21 department, yes, and I certainly -- and still pray
22 for the Halbach family, so that sounds consistent.

23 Q **Does it make you feel better to know that
24 that was included in Episode 8?**

25 MR. BURNETT: Objection, form.

1 A I would have to watch Episode 8 and see in
2 which context -- how it was used. Like, was it used
3 to ridicule me? So then no, I wouldn't feel better
4 about how it was used.

5 Q **But you don't plan to watch Episode 8,**
6 **correct?**

7 A As I sit here right now today and talk with
8 you, no, I don't plan on watching Episode 8, but
9 certainly there's no reason I can't change my mind at
10 some point.

11 Q **Okay.**

12 MS. WALKER: Let's go to Exhibit 37.

13 (Exhibit 37-A marked for identification.)

14 A Do I have that one or no?

15 Q **I'm going to give it to you.**

16 A Oh, okay.

17 MS. WALKER: Sure. So Exhibit 37
18 collectively is Mr. Colborn's responses to
19 interrogatories in this case. I have marked the
20 different responses and supplemental responses and
21 signature pages as Exhibits 37-A, B, C, and D. It's
22 a little confusing given the way things kind of came
23 in.

24 Q **But let's start with Exhibit 37-A, which,**
25 **Mr. Colborn, I'll represent to you are the first**

1 Lauren, L-a-u-r-e-n, last name is McCracken,
2 M-C-C-r-a-c-k-e-n.

3 Q Okay.

4 A Next oldest child's first name is Brandy,
5 B-r-a-n-d-y, and her last name is Rima, R-i-m-a.
6 Next oldest child's first name is Jeffrey, common
7 spelling, also last name McCracken.

8 Q Anyone else?

9 A Yes. Next child's -- I'm going from oldest
10 to youngest. Amanda, also common spelling, her last
11 name is Colborn. And the youngest child's first name
12 is Jeremiah, J-e-r-e-m-i-a-h, also last name Colborn.

13 Q And they're all adults, correct?

14 A Yes. Jeremiah would be the youngest. He's
15 30.

16 Q You also did not list a woman named Jodi
17 Maurer. I understand you're in a relationship with
18 her, correct?

19 A Yes.

20 Q And is she a witness to your alleged
21 emotional distress in this case?

22 A No, not really, because I don't -- we don't
23 discuss it.

24 Q Okay. Do you live with her?

25 A Yes.

1 Q Okay. And she's not been in a position to
2 observe any physical manifestations of your distress?

3 A Not really, no.

4 Q Do you have any physical manifestations of
5 distress?

6 A Such as?

7 Q Loss of weight, physical manifestations of
8 anxiety, inability to sleep, depression.

9 A Not depression. I do have, you know,
10 inability to sleep. I am constantly in a state of
11 hypervigilance. I am very distrustful of people now.
12 I am extremely introverted, much more so than I was
13 before.

14 Q Do you think Ms. Maurer has been able to
15 observe these --

16 A No.

17 Q Not in a position to observe it?

18 A No.

19 Q It's just not observable; is that what
20 you're telling me?

21 A Right. She's never said, like, "Why do you
22 do this" or "Why do you do that?" She just assumes
23 that's the way I am.

24 Q Okay. And you haven't had any conversations
25 with her about this case?

1 A I have not.

2 Q **How long have you lived with her?**

3 A We started sharing a residence April of
4 2021.

5 Q **So in more than a year, this case has never**
6 **come up?**

7 A No. I mean, I've -- obviously I told her
8 today I'm going to -- you know, I've told her when
9 court dates are, and she's asked me once if the
10 lawsuit was still ongoing because there was such a
11 long gap between anything happening, and I said it
12 was. She expressed concern about being drug into it,
13 things like that.

14 Q **So did you not list her and your children**
15 **because you didn't want to drag them into it or is it**
16 **because she really doesn't know anything about the**
17 **lawsuit or the underlying facts?**

18 A She doesn't -- yeah, she doesn't know
19 anything about it because I won't discuss it, and she
20 doesn't pry about it. I think she senses it's one of
21 those topics that should be avoided.

22 Q **And your alleged emotional distress wouldn't**
23 **be observable by the person living in the same house**
24 **as you?**

25 A I don't believe so, no.

1 A Like have I taken anything today?

2 Q **Yeah. Do you have --**

3 A I have acid reflux, so I took an antacid.

4 Q **Uh-huh.**

5 A I have asthma, so I have to take an inhaler
6 every morning. I'm on a medication for anxiety. I
7 can't give you the name of it. Not because I'm
8 trying to withhold it, because I don't know, but you
9 have my records. I believe I took one of those this
10 morning.

11 Q **Okay.**

12 MS. WALKER: It's nearly 1:00. I think
13 this is a good place to break and have lunch and come
14 back.

15 MR. BURNETT: Sure. What time do you
16 want to resume?

17 MS. WALKER: Let's go off the record.

18 MR. BURNETT: Let's go off.

19 THE VIDEOGRAPHER: Going off the record
20 at 12:54.

21 (Lunch recess held.)

22 THE VIDEOGRAPHER: We're back on the
23 record at 2:13.

24 Q **(By Ms. Walker:) All right, Mr. Colborn. I**
25 **have some wrap-up questions from items we were**

1 discussing before the lunch break, and the first one
2 is would you agree with me that your integrity had
3 been questioned and your reputation harmed at the
4 time of trial?

5 A Yes.

6 Q And you can't as you sit here today quantify
7 the reputational harm arising from trial and the
8 contemporaneous media coverage that came along with
9 the trial, can you?

10 MR. BURNETT: Objection, form.

11 A I can say after the verdict, my reputation
12 and everything went back to how it was.

13 Q How do you know that?

14 A Because after his conviction, the negative
15 press stopped, people began being more favorable
16 about the events of the trial, the unfolding of the
17 trial, the conviction. It was just a general
18 atmosphere that was more supportive.

19 Q So the publicity disappeared, but the
20 articles that were written remained out there,
21 correct?

22 A That were written during the trial?

23 Q Yes.

24 A I don't know when they archive those, but I
25 don't recall a blitzkrieg of negative press like

1 on.

2 Q Well, that's not my question. You agreed
3 with Attorney Strang that he ruined your credibility?

4 A Do you mean I agreed with Brenda?

5 Q Did you agree with Brenda?

6 A I don't see where I agreed, but I'm on the
7 same page with her, yes.

8 Q Yeah. As you sit here today, do you agree
9 that Attorney Strang ruined your credibility and your
10 integrity?

11 A I agree that Attorney Strang played a part
12 in it after the release of Making a Murderer, yes.

13 Q Are you able to distinguish the reputational
14 harm Attorney Strang caused you versus the
15 reputational harm Jerome Buting called you -- caused
16 you versus that that Making a Murderer caused you
17 versus that that John Ferak caused you or that
18 Kathleen Zellner caused you?

19 A No, I can't because Making a Murderer gave
20 them all their material.

21 Q Well, Making a Murderer took material from
22 the trial, correct?

23 A Kathleen Zellner wasn't part of that trial.

24 Q Making a Murderer took their material from
25 the trial, correct?

1 years ago.

2 Q **So you're changing your story?**

3 MR. BURNETT: Objection, form.

4 A I'm saying I based a lot of this information
5 off social media, threats that were being made to me,
6 and I didn't have the trial transcript in front of
7 me.

8 Q **Any other reason you're departing from that
9 statement?**

10 A No, no other reason.

11 Q Two lines down from there you say, "The
12 defense continues, in part thru Netflix, to maintain
13 and keep alive these lies to this day. Just last
14 week Strang was on WTMJ Radio saying these things I
15 just mentioned. The trial was over 10 years ago, how
16 much longer can the defense attorneys continue this
17 crusade against my agency and me personally??" Did I
18 read that correctly?

19 A Yes.

20 Q **And if I'm reading this, you believe the
21 defense team lied about you during the trial,
22 correct?**

23 A Yes.

24 Q Okay. That's when their crusade against you
25 began, correct?

1 A Yes, I do.

2 Q But unless Mr. Griesbach was in the room
3 with you or any of us sitting here today were in the
4 room with you, none of us can know with 100 percent
5 certainty, correct?

6 A I would think that I drove that point home
7 in the trial, and based on the subsequent conviction,
8 I believe the jury was convinced of it.

9 Q We would have to trust you, correct,
10 Mr. Colborn?

11 A Yes, you would have to trust that I was
12 telling the truth under oath.

13 Q And the jury found for the prosecution and
14 convicted Mr. Avery, correct?

15 A Yes, they did.

16 Q And the jury's findings were included in
17 Making a Murderer, correct?

18 MR. BURNETT: Objection, form.

19 Q Do you know?

20 A I have not watched a clip of or any of
21 Making a Murderer when the jury verdict is read or --
22 so I can't answer you positively. I don't know what
23 was included. I don't know what episode that was in.

24 Q You have no reason to dispute that it was
25 included, correct?

1 I'm not alleging that.

2 Q Okay. And you have no reason to believe
3 that anyone from Netflix attended any portion of any
4 proceeding against Mr. Avery, correct?

5 A I don't know that.

6 Q I'm asking you only based on your personal
7 knowledge, you don't have any reason --

8 A No.

9 Q -- to believe that?

10 A No, I do not.

11 Q So I'll take you back to Exhibit 1 that you
12 signed this morning, and if you could flip to
13 Exhibit A, which is the stipulations we proposed.

14 A One sec. I've got to find that. Okay.

15 Q And flip to Exhibit A, which is the initial
16 stipulations we proposed.

17 A Okay.

18 Q And I want to point you to the first
19 seven -- sorry, the first six. You declined to admit
20 these, and my question for you is as you sit here
21 today in your personal capacity, knowing that you
22 rely on your lawyers to process all the evidence, but
23 personally, let me ask you about number 1. Are you
24 personally aware of any evidence that any Netflix
25 employee attended any portion of any proceeding

1 **involving Steven Avery?**

2 A I personally do not know, correct.

3 Q **Number 2, do you have any personal knowledge**
4 **or are you personally aware of any evidence that any**
5 **Netflix employee has ever been to Manitowoc County,**
6 **Wisconsin?**

7 A During '16, '17 we had an abundance of
8 protests out in front of our courthouse with people
9 screaming how corrupt we were and how they should be
10 freed, and I thought Netflix was involved in that,
11 but I don't have any personal knowledge or evidence.
12 Like, no one ever brought someone to me and said,
13 "This person works for Netflix."

14 Q **Are you personally aware of any evidence**
15 **that any Netflix employee ever spoke to anyone who**
16 **appears in Making a Murderer?**

17 A I personally have no knowledge. I don't
18 know if they did or they didn't.

19 Q **Are you personally aware of any evidence**
20 **that any Netflix employee ever received or read any**
21 **transcript from any proceeding against Mr. Avery or**
22 **involving Mr. Avery?**

23 A Number 4, I believe I did see documents that
24 did say that Netflix employees had a few transcripts
25 of the criminal trial of Mr. Avery.

1 Q Do you remember anything about those
2 documents?

3 A No, I don't.

4 MS. WALKER: So we would just ask on the
5 record that to the extent those documents exist and
6 can be identified, that plaintiff produce them to us.

7 Q Number 5 here, do you personally have any --
8 are you personally aware of any evidence that any
9 Netflix employee ever received or watched any raw
10 footage of any proceeding involving Mr. Avery?

11 A I believe my attorneys do have evidence that
12 Netflix employees did view both civil and criminal --
13 or, yes, civil and criminal video of me testifying
14 both in deposition and in his criminal trial for the
15 murder of Teresa Halbach.

16 Q Okay. Do you understand that to be raw
17 footage or footage that was produced by the
18 filmmakers and then provided to Netflix or do you not
19 know?

20 A I don't know.

21 Q Number 6, are you personally aware of any
22 evidence that any Netflix employee ever received or
23 watched any other raw footage used by the filmmakers
24 in creating Making a Murderer?

25 A I personally don't know what they used,

1 so -- or watched, no.

2 Q So going back to Exhibit 2, the Second
3 Amended Complaint, and referring you to paragraph 46.

4 A Okay.

5 Q Actually, it will be on the -- on page 16,
6 the last --

7 A Okay.

8 Q -- of the bullet points, and you say that
9 among the things omitted from Making a Murderer, in
10 the last bullet here, was that Avery had a history of
11 extreme violence and sexual aggression against women,
12 including beating, strangulation, death threats,
13 attempted abduction at gunpoint, and allegations of
14 rape. Did I read that correctly?

15 A Yes.

16 Q All right. So let's take each of those in
17 that bullet one at a time. Do you know if there was
18 evidence presented at trial that Avery ever beat a
19 woman?

20 A I don't -- I don't know because I wasn't
21 allowed to attend the trial other than the day I
22 testified, so I don't know.

23 Q So if I told you that the judge excluded
24 that evidence, you would have no reason to dispute
25 me --

1 A Correct.

2 Q And so if Making a Murderer didn't include
3 that evidence, that's consistent with what happened
4 at trial as far as you know, correct?

5 MR. BURNETT: Objection, form.

6 A Could you repeat? Sorry.

7 Q Yeah. If these things weren't included at
8 trial --

9 A Uh-huh.

10 Q -- and if Making a Murderer didn't include
11 them, then Making a Murderer was consistent with what
12 happened at trial, correct?

13 MR. BURNETT: Objection, form.

14 A I'm not going to agree that I --

15 Q Okay.

16 A -- believe that Making a Murderer was
17 consistent with what happened at trial.

18 Q Well, you can -- I think we can agree that
19 if we want to know what evidence was excluded, we can
20 look at this Exhibit 57, correct? That's the judge's
21 order?

22 A Yes.

23 Q Okay. So we talked about the exclusion from
24 the trial of the Sandy Morris incident, and I
25 actually want to play a clip for you now from Making

1 a Murderer. This will be from Episode 1, which we'll
2 mark in its entirety as Exhibit 58, and then the clip
3 we're about to play we'll mark as Exhibit 58-A.

4 (Exhibits 58 and 58-A marked for
5 identification.)

6 (Video playing.)

7 Q Had you ever seen that clip from Making a
8 Murderer?

9 | A No.

10 Q Okay. So if you look back at Exhibit 57, I
11 can point you now directly to page 10, onto page 11,
12 where the Court excluded acts of recklessly
13 endangering the safety of Sandy Morris. And while
14 you look for that, I'll just ask you, isn't it true,
15 Mr. Colborn, that even though the judge did not
16 permit the jury to hear that evidence, Making a
17 Murderer included it?

18 MR. BURNETT: Objection, form.

19 A Yes. A portion of his inter -- a portion of
20 his interview with Detective Conrad and a very small
21 portion of her testimony was included in the clip you
22 showed me, yes.

23 Q And so in that sense at least, Making a
24 Murderer painted a less flattering picture of Steven
25 Avery than the jury was permitted to hear, correct?

1 MR. BURNETT: Objection, form.

2 A It would appear to me, based on the reaction
3 by people around the globe --

4 Q Well, I'm going to move to strike, and I'd
5 just ask that you answer my question, that this is a
6 very unflattering thing to publicize about Steven
7 Avery, not even the jury got to hear it because it
8 was so prejudicial according to the judge, but the
9 filmmakers put it in the documentary, correct?

10 MR. BURNETT: Objection, form.

11 A Yes, it was in the clip you just showed me.

12 Q You also complained in the Second Amended
13 Complaint that Making a Murderer portrayed an
14 incident involving animal abuse as an accident and at
15 worst a childhood prank. Do you remember that
16 allegation?

17 A Yes.

18 Q Okay. But you acknowledge that this story
19 about the animal abuse was omitted from Avery's
20 trial, correct?

21 A I don't know if it came up in his trial or
22 not.

23 Q Okay. Let me point you to Exhibit 57 again
24 and specifically page 7. There's a subhead, 1982 Act
25 of Criminal Cruelty Involving the Killing of a Cat.

1 **Do you see that?**

2 MR. BURNETT: What page are we on?

3 THE WITNESS: 7.

4 MS. WALKER: Page 7.

5 **Q And if you read to the end of that Section 3**
6 **in the Court's order, the last sentence is that "The**
7 **offered evidence fails all three parts of the**
8 **Sullivan test and is not admissible." Do you see**
9 **that?**

10 A What page is it where it mentions the
11 Sullivan test?

12 Q **On page 10 at the top.**

13 A Oh, 10. Okay. Are they talking about the
14 animal cruelty there, because it's shifted to
15 something else by then, but --

16 Q **So the animal cruelty section begins on**
17 **page 7 --**

18 A Uh-huh.

19 Q **-- and it goes through page 8, 9, and**
20 **concludes at the top of page 10.**

21 A All right. I see the area you're talking
22 about.

23 Q **So that animal cruelty evidence was excluded**
24 **from trial, correct?**

25 A It looks like it.

1 Q Did you know that Making a Murderer included
2 that story and showed it to viewers?

3 MR. BURNETT: Objection, form.

4 A No, I didn't.

5 Q Okay. Let's play that clip.

6 (Exhibit 58-B marked for identification.)

7 (Video playing.)

8 Q Had you ever seen that clip there?

9 A I have not.

10 Q So based on this clip and the one of Sandy
11 Morris, you would agree with me that viewers of
12 Making a Murderer got a more complete picture of
13 Mr. Avery's criminal history than the jurors did,
14 correct?

15 MR. BURNETT: Objection, form.

16 A I would agree that a watered-down version of
17 his acts were portrayed in Making a Murderer while
18 they weren't allowed in court.

19 Q So at least the viewers of the documentary
20 heard about him attacking a woman and burning a cat,
21 correct?

22 A Yes.

23 Q The jury didn't get to hear about that, did
24 they?

25 A No.

1 A Yes.

2 Q Okay. And you're not basing your conclusion
3 or your opinion on what Making a Murderer concludes
4 on anything other than the hateful calls you got from
5 a number of anonymous callers; is that correct?

6 A Hundreds, if not thousands.

7 Q Okay.

8 A Yes, that is correct.

9 Q Okay. So you turned over 89 different
10 voicemails to us. Does that sound about right?

11 A Yes.

12 Q Okay.

13 A I don't know.

14 Q Okay. I'll represent to you we listened to
15 each one. There were 89.

16 A Okay.

17 Q Are there thousands more you haven't turned
18 over?

19 A No. I've turned over everything that I had.

20 Q Okay.

21 A Some didn't go to a recording.

22 Q Okay. And I'm sorry, I didn't catch your
23 answer, so I'm going to have to ask it again. Other
24 than those crank calls and hateful messages from
25 dozens of anonymous people, you're not basing your

1 A Clearly Avery, his relatives and friends,
2 his attorneys, and then Dean Strang and Jerome
3 Buting, investigator aren't going to give anything
4 but biased answers.

5 Q Okay. Well, that sort of brings me to most
6 of what I wanted to talk about here, which is as I
7 look through all of the responses your counsel
8 drafted to our interrogatories, what they seem to be
9 pointing to is bias or maybe evidence that they think
10 demonstrates an agenda by Netflix. They've pointed
11 to instances where Netflix was perhaps skeptical of
12 evidence that Avery presented at his trial. You
13 pointed yourself to some of that, where someone at
14 Netflix thought that something Avery presented at
15 trial was sort of weak. Do you remember pointing
16 that one out to me?

17 A Yes.

18 Q And they thought that of Avery's evidence,
19 correct? In other words, it was Avery's evidence; it
20 wasn't something they made up out of whole cloth?

21 A Yes.

22 Q So I want to just talk about this notion of
23 documentary filmmaking and bias, but before we get
24 there, I want to ask, do you have any evidence that
25 Netflix instructed the producer defendants to make

1 Q Okay. And you don't think their
2 perspective, their pro law enforcement world view,
3 keeps them from making a fair and objective
4 documentary I take it?

5 A No, I don't.

Q You're very pro law enforcement?

7 A Yes.

8 Q Pro military?

9 A Yes.

10 Q Conservative?

11 A Yes.

12 Q And you have a bias in that you are

13 100 percent convinced that Avery is guilty, correct?

14 MR. BURNETT: Objection, form.

15 A I don't have a bias that way. He was
16 convicted by a jury of his peers.

17 Q Well, he was --

18 A So I believe in that verdict, yes.

19 Q Okay. He was also convicted of rape,
20 correct?

21 A Yes.

22 Q And that jury verdict was flat-out wrong,
23 correct?

24 A Correct.

Q So juries can get it wrong, correct?

1 CERTIFICATION PAGE
2

3 STATE OF WISCONSIN)
4 MILWAUKEE COUNTY)
5

6 I, PAULA M. HUETTENRAUCH, RMR, CRR,
7 Notary Public in and for the State of Wisconsin, do
hereby certify:
8

9 That prior to being examined, the
deponent named in the foregoing deposition,
ANDREW L. COLBORN, was by me duly sworn to testify
the truth, the whole truth, and nothing but the
truth.
10

11 That said deposition was taken before
me at the time, date, and place set forth; and I
12 hereby certify the foregoing is a full, true, and
correct transcript of my shorthand notes so taken and
thereafter reduced to computerized transcription
13 under my direction and supervision.
14

15 I further certify that I am neither
counsel for nor related to any party to said action,
nor in any way interested in the outcome thereof; and
16 that I have no contract with the parties, attorneys,
or persons with an interest in the action that
affects or has a substantial tendency to affect
17 impartiality, or that requires me to provide any
service not made available to all parties to the
action.
18

19 IN WITNESS WHEREOF, I have hereunto
20 subscribed my name this 28th day of July, 2022.
21

Paula Huettenrauch

22
23 Paula M. Huettenrauch, RMR, CRR
Notary Public - State of Wisconsin
24

My Commission Expires 8/18/2023
25



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW COLBORN,

COPY

Plaintiff,

-vs- CIVIL ACTION NO. 19-CV-0484-BHL

NETFLIX, INC., ET AL. VOLUME II

Defendants.

CONTINUED VIDEOTAPED DEPOSITION OF

ANDREW L. COLBORN

DATE: July 22, 2022

TIME: 9:02 a.m. - 4:40 p.m.

LOCATION: Godfrey & Kahn, S.C.
833 East Michigan Street
Suite 1800
Milwaukee, Wisconsin 53

REPORTED BY:

Paula Huettenrauch, RMR, CRR
365Reporting, LLC

VIDEOGRAPHER:

Jon Hansen, CLVS
Video Concepts
608.408.7411

1 Buting's book come out, before Ken Kratz's book came
2 out, before Mike Griesbach's Indefensible book came,
3 because Making a Murderer preceded all of those.

4 **Q So I'll move to strike because you're**
5 **speculating. And I'm just asking you based on your**
6 **personal knowledge, do you know if any of those**
7 **callers had watched Making a Murderer?**

8 MR. BURNETT: Let me object to the form
9 and foundation of the question, but go ahead.

10 A All I know is I didn't receive any of these
11 type of calls prior to the release of Making a
12 Murderer.

13 **Q Okay. So the answer to my question is you**
14 **don't know?**

15 A Right. Correct.

16 **Q So my colleague who listened to the 89**
17 **voicemails noted that very few callers mentioned**
18 **their location but those who did were from out of**
19 **town. Does that sound right to you?**

20 A And out of the country, but yes.

21 **Q So locally no one except for John Hartraub?**
22 **Kevin Hartraub?**

23 A Hartlaub.

24 **Q Hartlaub. Locally no one was calling or**
25 **confronting you in person in a critical way, correct?**

1 A So what do you consider locally?

2 Q **Within Manitowoc County.**

3 A Okay. Well, I gave you the example of the
4 service --

5 Q **Other than that.**

6 A In Manitowoc County? I don't -- no, I don't
7 believe so. No one in Manitowoc County I believe
8 called. I don't recall. I'd have to look at my
9 entire list of phone numbers, but --

10 Q **As you sit here today, you don't recall
11 that?**

12 A No.

13 Q **The people who left anonymous voicemails,
14 you don't plan to call them to trial to testify on
15 your behalf, do you?**

16 A No.

17 Q **Okay. And that's in part because you don't
18 know who they are, correct?**

19 A Yes, that's correct.

20 Q **And you haven't identified any of them as
21 witnesses in your discovery responses, correct?**

22 A No.

23 Q **And for all you know, some of these people
24 were sitting in prison or a mental institution
25 somewhere, correct?**

1 MR. BURNETT: Objection, foundation.

2 Q You don't know?

3 A Correct.

4 Q You do know that some of them were convicted
5 felons, correct? I'll show you an example to jog
6 your -- a document to jog your memory.

7 A Thank you.

8 Q Could you go to Exhibit 8?

9 A Do I have that?

10 Q Yeah.

11 A Got it.

12 Q And flip about 20 pages in to tracking
13 number 355, if you could. Sorry, 356.

14 A Okay.

15 Q And just to refresh your memory, this is a
16 transcript of the interview you gave for Convicting a
17 Murderer, correct?

18 A Well, it's my answers. Again, like I said
19 yesterday, the question doesn't appear.

20 Q Okay.

21 A And I can't determine which interview it is,
22 but it's either interview one or two of Convicting a
23 Murderer interviews.

24 Q Okay. So I'm going to start reading at the
25 top of that third row. "Unwisely, I invited him to

1 Q I don't need it. Mr. Colborn, would you
2 agree that almost by definition the people who left
3 those voicemails for you were unreasonable?

4 A Yes.

5 Q No reasonable person would react this way to
6 a documentary, correct?

7 A I've had reasonable people question me about
8 it, yes.

9 Q Well, that's not my question. No reasonable
10 person would watch a documentary and then call and
11 leave a death threat, correct?

12 A Well, I would hope not, but maybe your
13 definition of reasonable and mine might be different.

14 Q What about under your definition?

15 A I could see how someone could be so moved by
16 such a production that they may contemplate it.

17 Q Uh-huh. And follow through, you think
18 that's reasonable?

19 A No, I don't think it's reasonable.

20 Q Okay. So now I want to talk a little more
21 about Ms. Maurer. You didn't list her in your
22 interrogatory responses, and I think your explanation
23 for that yesterday was you haven't talked to her
24 about the facts -- underlying facts in this case or
25 this lawsuit, correct?

1 A That is correct.

2 Q And you testified yesterday she has no
3 knowledge of your damages, that you don't have any
4 physical manifestations of anxiety or distress that
5 she could observe, correct?

6 A Well, I did correct that by saying she's
7 aware that I have hypertension.

8 Q Okay. But otherwise, nothing she can
9 observe?

10 A Correct.

11 Q And that's true even though the two of you
12 live together?

13 A Yes.

14 (Exhibit 81 marked for identification.)

15 Q I'm going to hand you what we've marked as
16 Exhibit 81. So this is a text between you and
17 Ms. Maurer, correct?

18 A Correct.

19 Q And you texted her, "Jodi, as you may have
20 suspected this whole Avery case was and continues to
21 be a thorn in my side. Your continued support means
22 more to me than you can possibly imagine. Thank you
23 so very much from the bottom of my heart." And then
24 your counsel redacted something.

25 Jodi responded, "Andy I'm sorry you had to

1 Q **And I'm in Exhibit A --**

2 A Okay.

3 Q **-- of Exhibit 1, which is our initial**
4 **letter.**

5 A Got it.

6 Q **And I'm at number 63.**

7 A Oh, okay. Okay.

8 Q **So let me rephrase the question. You agreed**
9 **to number 61, and you agreed to number 62, that the**
10 **relationship with Ms. Maurer harmed your marriage and**
11 **it harmed your relationship with your children.**

12 A Yes.

13 Q **And I'm trying to understand how the -- how**
14 **you can deny that none of this caused you anxiety and**
15 **distress. Can you explain that?**

16 A Well, I guess --

17 Q **I can rephrase. Did the divorce cause you**
18 **anxiety?**

19 A Sure.

20 Q **Did the divorce cause you distress?**

21 A I don't know about anxiety. So --

22 Q **What's the word --**

23 A I'm not exactly sure of the difference in
24 definition between the two, but I would say it
25 certainly caused me some distress, yes.

1 A Yes, I see it.

2 Q You told the interviewer, "When I announced
3 my retirement, I received calls from tens, if not
4 hundreds, of people who thanked me or told me that I
5 had helped them through a difficult time or they were
6 glad that I did this or glad that I did that, and
7 numerous people have apologized to me for not coming
8 forward." Did I read that correctly?

9 A Yes.

10 Q So we had asked you to stipulate to the
11 following statement: "Upon announcing his
12 retirement, Mr. Colborn received supportive calls
13 from dozens of people." Here you said you received
14 calls from tens, if not hundreds, of people.

15 So my question is will you stipulate to that
16 statement? I'll read it again. "Upon announcing his
17 retirement" --

18 A Where is this statement?

19 Q Yeah, it's in Exhibit 1.

20 A In your --

21 Q My letter, number 51.

22 A Okay. Thank you. Okay.

23 Q Will you agree to that statement, having
24 seen where it came from?

25 A Yes.

1 dollar figure on it.

2 Q Okay.

3 A I would need a jury to make that
4 determination.

5 Q What about Jerome Buting, can you put a
6 dollar figure on how much he's harmed your
7 reputation?

8 A That would be the same answer.

9 Q And Kathleen Zellner?

10 A Kathleen Zellner? She hasn't -- so she's
11 flipped from different theory to different theory.
12 Now law enforcement isn't even a suspect anymore.
13 Plus, this is being used in the course of the defense
14 of her client, so I would have no standing in that.

15 Q What about Dean Strang, can you put a dollar
16 figure on how much he's harmed your reputation?

17 A I would just repeat the same answer that I
18 gave you for Jerome Buting and John Ferak.

19 Q Okay. Mr. Colborn, my last few pages here
20 is about your medical records, and I'm going to try
21 not to go through them one by one in the interest of
22 time. So I'll just ask you a couple questions, and
23 then we'll see how deep we have to go into these.

24 A Okay.

25 Q Isn't it true that you were not prescribed

1 anxiety and hypertension medication until two weeks
2 after you filed this lawsuit, December 28th, 2018?

A That's two different prescriptions.

4 Q Yeah. I can ask it this way. Isn't it true
5 you weren't prescribed anxiety medication at any
6 point before you filed this lawsuit?

A I don't recall the date I was prescribed.

8 Q Well, you didn't go on anxiety medication
9 when Making a Murderer was released, correct?

10 A NO.

11 Q And you didn't go on anxiety medication that
12 first year when you have told us you were
13 experiencing all this backlash from Making a
14 Murderer, correct?

15 A Correct.

16 Q And you didn't go on it 2 -- within the
17 second year after its release in 2017, correct?

18 A Do you have my medical record there so I can
19 look at the date?

20 Q Yeah. Exhibit 120.

21 | (Exhibit 120 marked for identification.)

22 A Thank you.

23 Q Uh-huh. So --

24 A Where is the date?

25 O Yeah, I'm trying to find it for you. So the

1 date is about halfway down the page. It says Today's
2 Visit. You saw Theresa Krueger-Junk, Nurse
3 Practitioner, on Friday, December 28th of 2018. Do
4 you see that? And then above there it says you
5 started taking buspirone and lisinopril.

6 A Lisinopril.

7 Q Thank you.

8 A Yes.

9 Q Okay.

10 A Yeah, I see the -- I see the date.

11 Q Okay. And does that jog your memory as to
12 whether it was December 28th, 2018 when you first
13 started taking those medications?

14 A Yes.

15 Q Okay. So not one, not two, but three entire
16 years after Making a Murderer was released, correct?

17 A Correct.

18 Q And, in fact, it was filing the lawsuit that
19 seemed to raise your anxiety levels; is that correct?

20 A No.

21 Q Well, the lawsuit was filed in December
22 2018, and about eleven days later is when you went on
23 these anxiety and blood pressure medications,
24 correct?

25 A I would have to check on the blood pressure

1 because I thought it was a preceding visit, but I'm
2 not 100 percent positive, but certainly I was on them
3 by this visit. It was the fact that this just was
4 never going away probably --

5 Q Okay. When do you think you went on --

6 A -- is the greatest --

7 Q Oh, I didn't mean to interrupt.

8 A That's okay.

9 Q When did you think you went on blood
10 pressure medication?

11 A So because I have asthma, I have to have a
12 visit every six months as opposed to a year. So I
13 thought it was the six-month visit before that that I
14 would have gone on blood pressure medication.

15 Q When would that have been approximately, the
16 date?

17 A Well, I'm assuming June of '18.

18 Q Okay. Does asthma tend to cause high blood
19 pressure; do you know?

20 A My asthma's pretty well controlled, but I
21 don't -- I don't know if hypertension is a by-product
22 of having asthma, for lack of a better word.

23 (Exhibit 117 marked for identification.)

24 Q Okay. I'm going to hand you what we've
25 marked as Exhibit 117. This is another medical

1 record. You can see about a third of the way down
2 the page the date of this visit was December 14th,
3 2018, which would have been three or four days before
4 you filed the lawsuit in this case. Do you see that?

5 A Okay.

6 Q And if you flip to the second page, at the
7 very bottom there's a note that says, "Informed
8 patient his blood pressure is slightly elevated.
9 Discussed diet/salt restriction/exercise. He will
10 monitor blood pressure at home and follow up if he
11 notices it stays elevated." Did I read that
12 correctly?

13 A Yes, you did.

14 Q Does this jog your memory that --

15 A Yes.

16 Q -- this was maybe the first time you had
17 elevated blood pressure?

18 A Correct. So --

19 Q Three days or four days before you filed the
20 lawsuit?

21 A Correct.

22 (Exhibit 112 marked for identification.)

23 Q Okay. I'm going to hand you Exhibit 112.
24 This is another medical report.

25 A Okay.

1 Q This is from February 2018. Do you see that
2 at the top?

3 A Where it says dictated on 2/9/18 or no?

4 Q I was looking at filed on 2/12/18, but --

5 A Okay.

6 Q -- it says you were seen on 2/9/18. So
7 anyway, February '18, correct?

8 A Yes.

9 Q Okay. If you could flip to the third page.

10 A Is it page 155 that you want?

11 Q Yeah, and also 156.

12 A Okay.

13 Q You see it's just --

14 A Got it.

15 Q -- off by one. So this would have been two
16 and a half years or so after Making a Murderer's
17 release, two years? Do you see that?

18 A Yes.

19 Q Okay. And you filled out two screening
20 questionnaires. One was the Depression Questionnaire
21 where zero means not at all and 3 is nearly every
22 day, and you scored a 1 out of, I think, 30 points
23 here. There's ten items. Does that sound right to
24 you?

25 A Yes.

1 Q Okay. So that's a very low score on the
2 **Depression Scale, correct?**

3 A Yes.

4 Q Okay. And you were being honest when you
5 **completed this questionnaire?**

6 A Maybe. I don't know if I was honest or not.
7 I didn't want to be put on any sort of medication.

8 Q Okay. Well, this is --

9 A So I may have stretched things, but I would
10 think that for the most part I was honest.

11 Q Okay. This is the only -- medical records
12 are the only evidence we have of your alleged
13 anxiety, correct?

14 A Correct.

15 Q Okay. The second questionnaire is the GAD,
16 which is the General Anxiety Disorder questionnaire.
17 Again, zero means no anxiety at all, and in every
18 category you put a zero, correct?

19 A Correct.

20 Q Okay. On the next page, toward the bottom,
21 in all caps there's a word that says PSYCH with a
22 colon. Do you see that?

23 A Is it on 157?

24 Q Uh-huh.

25 A No, I don't see that.

1 Q I think -- so do you see there's -- there's
2 page 156 of the medical report and then there's
3 COLBORN 157?

4 A Yeah, I have --

5 Q So look at --

6 A Oh, I see. Okay.

7 Q Look at COLBORN 157.

8 A Yeah, that's the page I have, COLBORN 157.

9 Q Correct. And so do you see right here PSYCH
10 at the top?

11 A Okay.

12 Q It's actually at the top and the bottom,
13 PSYCH?

14 A Yes.

15 Q It says, "Denies anxiety, depression, or
16 mania."

17 A Yes.

18 Q Do you see that?

19 A Yes.

20 Q And that's accurate, correct?

21 A It's accurate that I denied telling her I
22 had it, yes.

23 Q Uh-huh. Okay. And, again, all we have to
24 go on in terms of your anxiety and distress and
25 emotional distress is your medical records, correct?

1 MR. BURNETT: Let me object to the form
2 of the question. Go ahead.

3 Q And your testimony here today, that's all
4 we've got, correct?

5 A Correct.

6 Q Okay. I don't think I've given you
7 Exhibit 123, but I'm about to.

8 A Okay.

9 (Exhibit 123 marked for identification.)

10 Q And this is another medical record. You can
11 see at the top under Encounter Information, it says
12 2/20 of 2019. Do you see that?

13 A Yes.

14 | Q Okay. About a year later; is that right?

15 A Yes.

16 Q Okay. Go to the second page of that
17 document. At the very top it says Anxiety. Do you
18 see that word?

19 A Yes.

20 Q And you told the doctor your personal
21 situation had improved. Do you see that?

22 A Uh-huh.

23 Q Okay. And then there's on that same page
24 another Generalized Anxiety Disorder Questionnaire.
25 Do you see that?

1 A Yes.

2 Q And you put mostly zeros. You scored a 2
3 out of a possible 21 points. Do you see that?

4 A Uh-huh. Yes.

5 Q Okay. You were accurate in answering that
6 questionnaire?

7 A Yes.

8 MS. WALKER: All right. So let's go off
9 the record. I think I'm done, but I just want to
10 check my notes.

11 THE VIDEOGRAPHER: Going off the record
12 at 10:59.

13 (Brief recess held.)

14 THE VIDEOGRAPHER: We're back on the
15 record at 11:18.

16 MR. BURNETT: Kevin, can I go ahead and
17 make that statement before you start?

18 MR. VICK: Sure.

19 MR. BURNETT: We've had a chance to
20 discuss the time arrangement off the record, and I
21 suspect we've exceeded the general rule for seven
22 hours. I've talked to Mr. Vick, and I'm going to let
23 him continue to question Mr. Colborn with the
24 recognition that most of his questions are going to
25 be in the -- on the subject matters -- on subject

1 plates when you called dispatch, right?

2 A Yes.

3 Q And at the end, it also includes testimony
4 that you shouldn't have been and you weren't looking
5 at Ms. Halbach's car when you made that call,
6 correct?

7 A Well, there was some video footage inserted
8 in there as well that I didn't do, like the knuckle
9 cracking, Dean Strang's staredown. None of that was
10 during that testimony.

11 Q Mr. Colborn, my question is different than
12 that. It was at the very end of the clip.

13 A Uh-huh.

14 Q It includes testimony where you say again
15 you weren't looking at Ms. Halbach's car when you
16 made that call, correct?

17 A Yes.

18 Q So it clarifies you were not looking at the
19 back end of her 1999 Toyota, right?

20 MR. BURNETT: Objection, form.

21 A I don't know if it clarifies it or not. It
22 doesn't appear to because people seem to think I was.

23 Q Would you agree with me that it shows you
24 stating explicitly twice that you were not looking at
25 the car when you made the call to dispatch?

1 A Yes.

2 Q Does that address your concern that this
3 exchange might give the impression that you were
4 looking at the license plate when you made that call
5 to dispatch?

6 MR. BURNETT: Objection, form.

7 A Can you repeat, sir?

8 Q Sure. So the fact that there's two explicit
9 denials from you that you were looking at the car
10 when you made the call to dispatch, doesn't that
11 address your concern that this exchange might give
12 the impression that you, in fact, were looking at the
13 car when you made the call?

14 MR. BURNETT: Same objection.

15 A No, it doesn't address my concern.

16 Q Why not?

17 A Because that's not how I testified. I
18 testified under oath, and it wasn't portrayed -- my
19 testimony wasn't portrayed accurately.

20 Q But that testimony did include two explicit
21 denials that you were looking at the car when you
22 made the call to dispatch, correct?

23 A Yes, I've agreed to that.

24 Q Let's look at Exhibit B in the Second
25 Amended Complaint.

1 right?

2 A Yes.

3 Q And that Mr. Lenk found the key after you
4 handled the bookcase roughly, correct?

5 A Yes.

6 Q And it includes that you did not touch the
7 key, correct?

8 A Yes.

9 Q Would you admit that that episode gets
10 across each of the key points that Mr. Kratz elicited
11 from you during this line of questioning in your
12 testimony?

13 MR. BURNETT: Object, form.

14 A And the actual skill with which this was
15 presented is the problem. It makes it appear that
16 that is how I answered when it's not.

17 Q Would you agree that the substance that's
18 presented, though, is the same in terms of the key
19 points that Mr. Kratz was trying to solicit on your
20 testimony on direct?

21 MR. BURNETT: Objection to the form.

22 A Yes, I will agree that the portions -- that
23 a portion of my testimony about how I handled the
24 bookcase and that I didn't touch the key are on this
25 clip.

1 the last question, the question before it?

2 **Q Oh, sure.**

3 A Can I have that read back to me --

4 **Q Yeah.**

5 A -- please?

6 **Q Do you agree that Mr. Kratz was asking**
7 **questions here to make it clear that this call didn't**
8 **motivate you to frame Mr. Avery for the murder of**
9 **Ms. Halbach?**

10 A Yes.

11 **Q And to make clear that you didn't plant**
12 **evidence against Mr. Avery?**

13 A I don't know if this had anything to do with
14 planting evidence. He was -- well, I guess if we go
15 on to the next page, yes. I'm only -- I'm only on
16 47. Are we including 48?

17 **Q Oh, to be clear, I was asking about 47 and**
18 **48.**

19 A Okay.

20 **Q If you'd like a moment to review, that's**
21 **fine.**

22 A Okay. I got it. Yes, that came up as well.

23 **Q Is there anything I'm missing here that you**
24 **would say is, you know, a crucial point in your**
25 **testimony?**

1 MR. BURNETT: Objection, form.

A They -- to start off, they eliminated the --
my identification of myself when I answered the
phone. I answered the phone. I said, "Manitowoc
County Jail, Officer Colborn." I didn't identify
myself as a deputy. By eliminating that, people
watching this -- and I'm dressed in a law enforcement
uniform, when I'm testifying, people automatically
assume that when I was working in '94, '95, I'm a
sworn law enforcement officer by eliminating that,
because if I was a sworn law enforcement officer, my
answering the phone would have been Manitowoc County
Jail, Deputy Colborn, but I wasn't a deputy at the
time. I'm a non-sworn corrections officer. So
people now are like, Hmm, he's a law enforcement
officer but he doesn't do nothing with this
information.

18 Q And is that why you transferred the call to
19 the detectives --

20 A Correct

21 0 -- detective and the sheriff?

22 A I had no authority to --

23 MR. BURNETT: You've got to let him
24 finish.

25 | COURT REPORTER: Yeah, I missed the end

1 of your question, Kevin.

2 THE WITNESS: I'm sorry.

3 Q Is that why you transferred the call to the
4 sheriff's office?

5 MR. BURNETT: Go ahead.

6 A Well, the jail is part of the sheriff's
7 office, but that's why I transferred the call to an
8 investigator, yes, sir.

9 Q Do you know if that fact is reflected in
10 Making a Murderer, that you transferred the call to a
11 detective? I'm not quizzing you on the contents of
12 that, Mr. Colborn. I'm just asking if you know.

13 A I don't know if it's in Making a Murderer or
14 not.

15 Q Let's --

16 A And I --

17 Q Let's look at a different clip.

18 A Okay.

19 Q This is Episode 7 still, and I'm looking at
20 minute 17, second 36 to minute 19, second 10. Am I
21 still sharing? Yes.

22 (Video playing.)

23 Q So the clip that we just saw, Mr. Colborn,
24 that makes clear that you received this call in 1994
25 or '95 when you were a corrections officer, right?

1 wishy-washy about that, pretty unsure of himself.
2 For instance, "Have you ever planted any evidence
3 against Mr. Avery?" my response at trial was, "That
4 is ridiculous, no, I have not." And then the second
5 question Mr. Kratz asked me, "Have you ever planted
6 any evidence against anybody in the course of your
7 law enforcement career?" that whole question is
8 eliminated. Instead, it looks like I answered, "Have
9 you ever planted evidence against Mr. Avery" by
10 saying, "I have to say this is the first time my
11 integrity has been questioned." That doesn't come
12 across very forceful or convincing. It's hardly
13 answering the question. So I don't believe that's an
14 accurate portrayal.

15 **Q Did you feel that accusations that you**
16 **planted evidence against Mr. Avery were calling into**
17 **question your integrity?**

18 A The question was have you ever planted any
19 evidence against anybody in the course of your law
20 enforcement career. That's my answer to that
21 question.

22 **Q Mr. Colborn, I'm going to move to strike.**
23 **That wasn't my question.**

24 **My question is leaving this for a second,**
25 **did you feel that accusations against you that you**

1 planted evidence against Mr. Avery, that that called
2 into question your integrity as a law enforcement
3 officer?

4 A Yes.

5 Q And do you feel like this scene shows you
6 denying that you planted any evidence against
7 Mr. Avery?

8 A I'm sorry. The scene on Making a
9 Murderer --

10 Q Sure.

11 A -- that you just showed me?

12 Q The clip we just -- we just --

13 A Is that what you are asking about?

14 Q The clip we just looked at, you deny having
15 planted any evidence against Mr. Avery, right?

16 A Yes.

17 Q Okay. Last one. If you could move on to
18 page 52 of Exhibit B.

19 A Okay.

20 Q And what I'm interested in here is where it
21 starts, oh, maybe a quarter of the page down, it says
22 Redirect Examination.

23 A Okay. I see it.

24 Q So just looking at that section.

25 A Okay.

1 A Yes.

2 Q -- that Dean Strang asked about this subject
3 matter during his cross-exam.

4 A Yes.

5 Q And then Mr. Kratz on redirect wanted to
6 respond to some of the points that Mr. Strang had
7 raised, right?

8 A Yes.

9 Q Mr. Kratz wanted to make clear that you
10 hadn't written a report about the call in 1994 or
11 '95?

12 A Yes.

13 Q And that if you had written a report you
14 wouldn't have known what it was about; is that right?

15 A Correct.

16 Q That you didn't know the call was even about
17 Mr. Avery, right?

18 A Correct.

19 Q Is there anything I'm missing here that's
20 key to understanding your testimony?

21 MR. BURNETT: Objection, form.

22 A I explained in the presence of -- all these
23 questions were in the presence of the jury. I
24 explained in the presence of the jury my reason that
25 I didn't write a report has been eliminated from my

1 testimony. It just simply says, "I don't know what
2 it would have been about," and that was actually a
3 question, "that I received a call and transferred it
4 to the Detective Division." There would have been no
5 need to write a report every time you receive a
6 telephone call and transfer it. Certainly there's no
7 agency on the face of the Earth that does a report
8 about that, and that whole explanation has been
9 eliminated from my testimony there.

Q Let's take a look at the clip.

11 A Okay.

12 Q And this is still in Episode 7. It's at
13 minute 23, second 48 to minute 24, second 5.

14 (Video playing.)

15 Q So the clip that we watched, again, it made
16 clear that you didn't write a report in 1994 or '95
17 about the call, correct?

18 A Yes.

19 Q That if you had written a report, you
20 wouldn't have known what it was about, right?

21 A Correct.

22 Q And we can agree that the line about whether
23 you knew the call was about Mr. Avery, that's not in
24 this clip, right?

25 A Correct.

1 looked at earlier, which was the statement you
2 prepared on September 12th?

3 A Yes.

4 Q Now -- so would you agree that based on this
5 document, at least what this document purports to say
6 is that your statement was, in fact, kept in the
7 sheriff's department safe?

8 A Yes.

9 Q And yesterday you stipulated to that fact,
10 right?

11 A Yes.

12 Q Okay. Now, you said that James Lenk had
13 given some incorrect information to Sheriff Petersen?

14 A Yes.

15 Q How do you know that?

16 A The paragraph that reads, "Sergeant Colborn
17 said he was later informed by someone that the case
18 was already solved and the right person was
19 arrested." I never said that.

20 Q And how do you know that that's what he
21 passed on to Sheriff Petersen?

22 A I'm reading it off his statement, so -- I
23 wasn't there when he -- I don't know what he said
24 verbally to the sheriff.

25 Q That was going to be my question, is whether

1 the lawsuit. The other two I don't believe so.

2 **Q How much of Making a Murderer would you**
3 **estimate that you watched before you filed the**
4 **lawsuit?**

5 A Like in what context? Minutes?

6 **Q Sure, minutes.**

7 A Less than 30.

8 **Q How about as you sit here today, do you have**
9 **a sense of total number of minutes? And if you want**
10 **to give me a range, that's fine.**

11 A 45 to 60. Probably less than 60. 30 to 45.

12 **Q Is that -- so you've only -- let me make**
13 **sure I'm understanding this correctly. Have you**
14 **watched 30 to 45 more minutes or is it still 30 to**
15 **45 minutes total, meaning --**

16 A No.

17 **Q -- you've only watched an extra --**

18 A 30 to 45 more minutes, additional minutes.

19 **Q Oh, okay. Gotcha.**

20 A Sorry.

21 **Q So then it's a total of like an hour to hour**
22 **15?**

23 A Possibly, yes.

24 MR. VICK: Okay. This is a good time to
25 take a break.

1 Strang.

2 Q I think you're right, but you made two of --
3 you made two denials that we saw in that clip
4 earlier, right?

5 A Yes.

6 Q I'd like you to look at Exhibit 2, which is
7 the -- your Second Amended Complaint.

8 A Oh, I actually have that one handy for once.

9 Q And I'd like for you to look at paragraph
10 33, and I'll read the paragraph.

11 A Okay.

12 Q It says, "A central part of Avery's defense
13 at trial was that Plaintiff and other Manitowoc
14 officers planted Halbach's HUV" [sic] "at the Avery
15 Salvage Yard where Avery resided in a house trailer.
16 With Plaintiff on the stand, Avery's attorneys played
17 portions of his call to dispatch in an effort to
18 convince jurors that he came upon the SUV at an
19 undisclosed location on November 3rd, two days before
20 it was found at the salvage yard. Cross examining
21 Plaintiff about the contents of the call, Avery's
22 attorneys suggested that Plaintiff was looking
23 directly at Halbach's vehicle when he called
24 dispatch. The claim is entirely baseless and false,
25 and Defendants knew of its falsity." Did I read that

1 right?

2 A Yes.

3 Q What is the basis for your allegation that
4 defendants knew of the falsity of this central part
5 of Avery's defense?

6 MR. BURNETT: Objection, foundation.

7 Go ahead.

8 A They were sitting in the courtroom and saw
9 my complete unedited testimony.

10 Q Now, you were alone when you made the call
11 to dispatch you said, right?

12 A Yes.

13 Q So you're the only one that would know for
14 certain whether or not you were looking at Teresa
15 Halbach's car when you made that call, correct?

16 A Yes.

17 Q And Avery's --

18 A I don't have an eyewitness with me, no.

19 Q And Avery's attorneys were suggesting the
20 opposite, right?

21 A I wasn't really sure what Avery's attorneys
22 were suggesting, and I don't want to speculate or
23 tell you that that's what they were doing because I
24 don't know.

25 Q But your testimony at trial and your

1 Q But it's a sentiment that some people were
2 saying at the time, right?

3 MR. BURNETT: Objection, foundation.

4 A Yeah.

5 Q It's a sentiment that some people expressed
6 to you at the time?

7 A Uh-huh. Yes.

8 Q So then, Mr. Colborn, how can you say that
9 my clients knew that Avery's defense attorneys'
10 theory was false?

11 MR. BURNETT: Objection, form.

12 A For the reason that I said. They sat in the
13 courtroom the entire time, so they were privy to
14 information that the average citizen wouldn't have.

15 Q What was that information?

16 A Again, we had a gag order. So when people
17 would ask me that question, I always had to say, "We
18 can't discuss the case." There was a lot of people
19 that didn't know for a long time that Brendan Dassey
20 had confessed to investigators and then investigators
21 were able to locate evidence based on Brendan's
22 confession. People may not have known that the
23 murder weapon was hanging over his bed. People may
24 not have known her bones were in his backyard after
25 he mutilated her and burned her up in his pit. They

1 needle."

2 A Yes.

3 Q "The hypodermic needle hole in this case was
4 made when a specimen of Avery's blood was drawn by a
5 phlebotomist and stored in the vial in connection
6 with a 1996 post-conviction motion in his wrongful
7 conviction case. The procedure necessarily resulted
8 in the creation of a hole in the rubber stopper. The
9 phlebotomist who drew the specimen from Avery in 1996
10 was prepared to testify that's what happened in this
11 instance." Did I read that correctly?

12 A Yes.

13 Q What is the basis for your allegation in the
14 next sentence which is, "Having attended the trial in
15 its entirety, Defendants Ricciardi and Demos were
16 aware of the routine nature of the hole on the vial's
17 rubber stopper and that the phlebotomist who drew the
18 specimen from Avery was prepared to testify."

19 MR. BURNETT: Objection, foundation.

20 Q Or let me rephrase that. Do you have a
21 personal knowledge basis for making the allegation in
22 that sentence I just read?

23 A I'm personally aware that your clients were
24 in the court for its entirety, and I've seen the
25 Making a Murderer episode where it's portrayed as a

1 great day for the defense when they discovered this
2 vial that I'm assuming could have only been filmed by
3 your defendants -- your clients I mean. I'm sorry.

4 **Q Would it surprise you to learn that they**
5 **didn't film it?**

6 A Yes, it would.

7 **Q Do you recall that Norm Gahn is in there, in**
8 **that section, when it's being discovered?**

9 A I viewed the portion where Jerome Buting is
10 making a call to co-counsel.

11 **Q Do you recall a little bit later Norm Gahn**
12 **is in it too, who is one of the prosecutors?**

13 A I know who Norm Gahn is, but I didn't view
14 that portion of it.

15 **Q So why do you think that my clients were**
16 **aware of the routine nature of the hole on the vial's**
17 **rubber stopper and that the phlebotomist who drew the**
18 **specimen from Avery was prepared to testify?**

19 MR. BURNETT: Objection, foundation.

20 **Q Do you have any personal knowledge to**
21 **support that portion of the allegation?**

22 A I don't recall the motion hearing where that
23 was discussed, if I was present or not, so I can't --
24 again, a lot of these documents are the work product
25 of my counsel. I didn't compile all this information

1 and Deputy Kucharski, can you understand how they
2 might have some uncertainty about your three's
3 explanation about how the key came to be found that
4 day?

5 MR. BURNETT: Objection, form,
6 foundation.

7 A I don't have an instinctive distrust of law
8 enforcement. I trust law enforcement because I was
9 in it for 27 years. So I like to think that my
10 testimony and when I say something, people understand
11 that I'm under oath and I'm saying the truth. If I
12 don't know the answer to a question, I say I don't
13 know.

14 Q But can you understand how people who didn't
15 know you personally, I'm not saying that they
16 necessarily think that you're lying, but how they
17 could walk away from hearing the explanation of how
18 the key was found and just say, "I'm not sure what
19 happened"?

20 MR. BURNETT: Objection --

21 Q Can you understand that?

22 MR. BURNETT: Objection to form and
23 foundation.

24 A My explanation at trial was the only
25 possible way I could think that that key got to where

1 it was. I don't know any other way because that was
2 the only piece of furniture that we had searched, and
3 then the key was discovered laying on the floor in an
4 area we had previously looked. So I don't know.

5 **Q And I think we saw a document that**
6 **Mr. Griesbach wrote yesterday where he said that he**
7 **believes Steven Avery was guilty but he wasn't**
8 **sure -- so sure that the police didn't plant**
9 **evidence. Do you recall that document?**

10 A Yes.

11 **Q So if Mr. Griesbach wasn't sure, how can you**
12 **expect my clients to have been sure?**

13 A I don't know if Mr. Griesbach had all the
14 information available to him when he made that
15 statement, but the key was found in Steven Avery's
16 bedroom with Steven Avery's DNA on it, not my DNA,
17 not Jim Lenk's DNA, not Deputy Kucharski's DNA,
18 Steven Avery's.

19 **Q But you understand that Mr. Griesbach was**
20 **very interested in the Avery case and he was a**
21 **student of the case, right?**

22 MR. BURNETT: Objection, form,
23 foundation.

24 **Q Do you think it would be fair to call**
25 **Michael Griesbach a student of the Steven Avery --**

1 the trial of Steven Avery for the murder of Teresa
2 Halbach?

3 MR. BURNETT: Same objection.

4 A He's certainly been involved in it, although
5 not in the trial and investigation himself. He's
6 written books about it.

7 Q So again I would ask, if he wasn't so sure
8 that planting didn't occur, how can you say that
9 other people should -- you know, either knew or
10 absolutely should have known that the planting theory
11 was false?

12 MR. BURNETT: I object to the form of
13 the question. I think it's argumentative. It's been
14 asked multiple times and answered. Go ahead and
15 answer if you have a further answer.

16 A I don't have an answer other than
17 Mr. Griesbach didn't attend the trial.

18 Q Now, finding that key in Steven Avery's
19 trailer turned out to be a big deal into the
20 investigation into the murder of Teresa Halbach,
21 right?

22 A I don't know if one piece of evidence was
23 more -- I don't know if any one piece of evidence was
24 more important than -- I would say the discovery of
25 her body in his backyard was probably more important

1 A Correct.

2 Q And Ms. Walker talked yesterday about
3 certain things regarding a number of Mr. Avery's
4 prior crimes that were not presented to the jury
5 also, right?

6 A Yes. We talked about that yesterday, yes.

7 Q So I won't repeat the stuff that you went
8 over yesterday, but I did want to talk about some
9 other things that are included in Making a Murderer
10 that present Steven Avery in a negative light that
11 were not even presented to the jury but are reflected
12 in Making a Murderer.

13 Are you aware that Making a Murderer
14 includes Chuck Avery's statement that after Brendan
15 Dassey's confession, he was, quote, pretty positive,
16 end quote, that Steven probably had murdered Teresa
17 Halbach?

18 A No, I haven't seen that.

19 Q And Chuck Avery is Steven Avery's brother,
20 right?

21 A Yes.

22 Q Are you aware that Making a Murderer
23 includes a scene where Barb Tadych tells Steven Avery
24 that she hopes he burns in hell for what he did?

25 A Her name might be pronounced "Todd-ick," but

1 no, I'm not aware of that.

2 Q Are you aware that there is a scene in
3 Making a Murderer where Steven Avery tells his
4 parents that if they didn't figure out how to get him
5 out on bail within two weeks, he was going to give up
6 and kill himself?

7 A No, I'm not aware of that.

8 Q Are you aware that there's a scene in Making
9 a Murderer where Steven Avery himself opines that the
10 prosecution was, quote, going to win anyway?

11 A No, I'm not aware of that.

12 Q Are you aware that Making a Murderer
13 contains interviews with some people who say violent
14 crime was in Steven Avery's character and others who
15 say it was not?

16 A Well, I have seen interviews where people
17 say that the police did it on Making a Murderer. I
18 haven't seen any clips or any video where people are
19 saying that they believe they -- law enforcement got
20 it. So I'm unaware of that.

21 Q I'm really trying to limit the number of
22 clips I show you given our time crunch.

23 A Sure.

24 Q So I'm going to pose these instead rather as
25 questions.

1 A Okay.

2 Q Are you aware that there's a scene where
3 Steven Avery's sister says that a violent assault was
4 not in his nature?

5 A No.

6 Q Are you aware that there's a scene where a
7 member of the media says that it was because he was
8 one of the usual suspects around Manitowoc County?

9 A No.

10 Q Are you aware that there's a scene where the
11 presiding judge in the Penny Beerntsen case says that
12 he believed Avery's propensity against violence --
13 against -- violence against women in particular, was
14 a fact?

15 A No, I'm not aware of that.

16 Q Isn't that a good example of Making a
17 Murderer showing different viewpoints and opinions
18 regarding Steven Avery's character?

19 MR. BURNETT: Objection, form.

20 Go ahead.

21 A I would have to watch the entire thing to
22 offer an intelligent answer on that, and I haven't
23 done that.

24 Q Are you aware that Undersheriff Hermann is
25 interviewed in Making a Murderer?

1 A No, I wasn't aware of that.

2 Q Are you aware that he is extremely critical
3 of Steven Avery's allegations that evidence was
4 planted?

5 A I'm not aware of that.

6 Q Are you aware that there is a scene in
7 Making a Murderer where he not only denies the
8 planting allegations but characterizes them as,
9 quote, impossible, end quote, and quote, far-fetched,
10 end quote.

11 A No, I'm not aware of that.

12 Q Now, incidentally, you ran against
13 Undersheriff Hermann to replace Ken Petersen as the
14 sheriff of Manitowoc County, right?

15 A Yes, I did.

16 Q But Making a Murderer includes a clip of
17 him -- I'll represent that Making a Murderer includes
18 a clip of him very vigorously disputing the planting
19 allegations that were made against law enforcement
20 officers. Are you aware of that?

21 A No.

22 Q Is it your position that Making a Murderer
23 is biased against law enforcement?

24 A Yes.

25 Q Are you aware that Laura Ricciardi has

1 while we're human and imperfect, for the most part
2 the criminal justice system does get it right.

3 Q I already told you about Undersheriff
4 Hermann's calling the planting accusations
5 far-fetched and impossible, right?

6 A Yes, sir.

7 Q So I'm going to play you now something from
8 Episode 5, which I believe is one that you have
9 seen -- or parts of the episode. I take that back.
10 I'm going to show you a clip of Norm Gahn. Are you
11 familiar with this scene?

12 A No.

13 (Video playing.)

14 Q Would you agree that that shows prosecutors
15 pushing back quite vigorously against the planting
16 theory?

17 MR. BURNETT: Objection, form.

18 A Yes.

19 Q And they refer to the officers being accused
20 as being good, solid, decent family men, right?

21 A I don't think I saw that, but -- I don't
22 recall hearing that, hearing them say that. I
23 thought it centered more around the testing of the
24 blood or that we have a right to have our reputations
25 protected or something to that extent.

1 Q I'll go to another clip that's maybe more
2 directly about you. This is in Episode 7. Oh, the
3 one I just showed was Episode 5, 1:08 to 2:34.

4 A Okay.

5 Q The one I'm going to show now is Episode 7,
6 13:55 to 14:28.

7 (Video playing.)

8 MS. RICCIARDI: You're in Episode 5.

9 MR. VICK: Oh, is this still in
10 Episode 5? My apologies. Now I'm in Episode 7.

11 | (Video playing.)

12 Q Would you agree that that shows Ken Kratz
13 vigorously disputing the planting allegations?

14 MR. BURNETT: Objection, form.

15 A That appeared to be an out-of-court
16 interview --

17 Q Yeah.

18 A -- with reporters, not in front of the judge
19 like the preceding one.

20 Q Oh, you're absolutely correct. I'm not
21 limiting this just to the in court. I'm saying would
22 you agree that this is an instance of Ken Kratz out
23 of court to the media, I think the word he used was
24 deplorable to describe the planting theory; is that
25 accurate?

1 A Yes.

2 Q So this is another instance where Making a
3 Murderer shows people pushing back strongly against
4 the planting theory, right?

5 MR. BURNETT: Objection, form.

6 A In that particular clip, yes.

7 Q Had you ever seen that clip before?

8 A No.

9 Q Okay. Same thing, Episode 27 -- or
10 Episode 7. Now I'm going to 24:29 to 24:50. Again,
11 this is going to be another one out of court.

12 A Okay.

13 (Video playing.)

14 Q Is that another instance showing someone?

15 A Yes. I've seen that one.

16 Q Yeah. Did you appreciate that that one was
17 in this episode?

18 A I have to be honest with you, I don't
19 appreciate anything about Making a Murderer, but I
20 appreciate that the reporter asked that question of
21 Attorney Strang.

22 Q And do you appreciate that that reporter's
23 question was then included in this episode?

24 A Without watching it in its entirety, I have
25 to stay by my original answer that I don't appreciate

1 anything about Making a Murderer. I don't appreciate
2 it at all.

3 Q But you've testified that you haven't seen
4 the whole series, right?

5 A Correct.

6 Q And I don't want to use my time showing you
7 all the episodes.

8 A Okay.

9 Q I'll represent Episode 7 at 34:45 to 35:08,
10 if you have any interest in seeing these later, I'm
11 sure your counsel could probably get it for you.

12 A Yes.

13 Q There's another episode of Norm -- there's
14 another instance of Norm Gahn sticking up for you.
15 Is that something you're aware is in Making a
16 Murderer?

17 A No. Well, is that the one you just showed
18 me or --

19 Q It's a different one.

20 A Okay.

21 Q Are you aware that there is also footage, a
22 scene, of yet another instance of Norm Gahn, this
23 time at a press conference, where he's pushing back
24 on the planting theory?

25 A No.

1 Q Are you aware that during that press
2 conference he calls it a, quote, despicable
3 allegation?

4 A No, I'm not aware of it.

5 Q Would you say that Norm Gahn there in
6 calling it a despicable allegation pretty accurately
7 captures your own views of those allegations made
8 against you and Lieutenant Lenk?

9 A Certainly.

10 Q Are you aware that there is a clip in
11 Episode 7 of Making a Murderer that shows Mike
12 Halbach giving his views on Steven Avery?

13 A No.

14 Q Are you aware that it -- that there's --
15 that it shows that Mike Halbach believes Steven Avery
16 was guilty and was lying when he claimed to be
17 innocent?

18 A I'm not aware of that in Making a Murderer,
19 no.

20 Q So nobody had ever told you that Mike
21 Halbach was in -- there was a scene involving Mike
22 Halbach giving his opinion that Steven Avery was
23 guilty and was lying?

24 A As it pertains to Making a Murderer?

25 Q Correct.

1 A That's correct.

2 Q Are you aware that there is a scene in
3 Making a Murderer in which Judge Willis provides his
4 view that Steven Avery is, quote, probably the most
5 dangerous individual to set forth -- set foot in this
6 courtroom?

7 A In Making a Murderer?

8 Q Yes, in Making a Murderer.

9 A No, I'm not aware that that's in Making a
10 Murderer.

11 Q After this deposition, are you going to
12 watch the entire series do you think, Sergeant
13 Colborn?

14 MR. BURNETT: Objection, form, calls for
15 speculation.

16 A As we sit here and talk right now, I don't
17 have that intention, but I certainly will seek the
18 advice of my counsel on it.

19 Q Prior to bringing this lawsuit, did anybody
20 tell you about the clips that you and I have
21 discussed in the last hour or so in which various
22 individuals defend you?

23 A No.

24 Q Do you think that could change your overall
25 view of the series?

1 A No.

2 Q How could you know without watching them?

3 A Well, I can't. You just said what do I
4 think, so I thought you wanted me to render an
5 opinion.

6 Q Did John Ferak's columns typically include
7 quotes from people in law enforcement who were
8 defending you, who were telling -- who were saying
9 that these are despicable allegations that are being
10 made?

11 A Not that I recall.

12 Q I'd like to look at Exhibit -- Exhibit 1146.

13 (Exhibit 1146 marked for identification.)

14 A Thank you.

15 Q This is another text between you and Brenda
16 Schuler, right?

17 A Yes.

18 Q And she says at the top, "Andy, sorry to bug
19 you as I just deleted the emails not that long ago
20 from you. Ken needs them again. He lost them. So
21 sorry! Can you check your emails to me please? Your
22 'sent' file please?" And your response is, "I may
23 have hard copy but I think I deleted them from my
24 sent file and anywhere else after Ferak demanded all
25 our emails. Would hard copy work???" And she says,

1 A Is that the Amended Complaint?

2 Q It is, yeah.

3 A Okay.

4 MR. BURNETT: Are we in a position to
5 wrap this up?

6 MR. VICK: We are.

7 MR. BURNETT: Great.

8 Q I'd like you to look at paragraph 37
9 specifically.

10 A Okay. Okay.

11 Q So here you say, "Defendants Ricciardi and
12 Demos strategically spliced 'reaction' shots of
13 plaintiff appearing nervous and apprehensive at trial
14 into other portions of his testimony where he did not
15 appear nervous or apprehensive in fact." Do you see
16 that?

17 A Yes.

18 Q Do you recall what it was about your
19 demeanor in any of the shots that made you look
20 nervous or apprehensive? Was there anything that you
21 can recall right now that made you feel that way?

22 A Specifically the clip that you showed me
23 that I commented on earlier where it appears that
24 Dean Strang is giving me some sort of staredown and
25 the -- it pans to the shot of me leaning back and

1 cracking my knuckles.

2 I did that during a recess out of the view
3 of the jury. I certainly didn't do it in front of
4 Attorney Strang, but it certainly does make me look
5 nervous and apprehensive and that I've been caught in
6 some sort of lie.

7 Q Now, Mr. Colborn, I'm not sure if you're
8 aware, but during this deposition the last couple
9 days, you've kept your head down a decent amount.
10 Does that sound right?

11 A I'm frequently reading, but yes.

12 Q And you've sometimes had your head in your
13 hands or cracked your knuckles in the course of this
14 deposition. Does that sound right?

15 A Okay. I don't recall that, but I don't know
16 what -- what you want me to -- what you're trying
17 to -- can you clarify a little bit for me?

18 Q Well, is it possible that maybe things like
19 cracking your knuckles or looking down, that that's
20 just a natural mannerism of yours?

21 A The footage that I've watched of my trial
22 testimony, I frequently make contact with whoever
23 questioning me. Now, I was not in trial given a
24 stack of documents like this and told frequently to
25 go to this page, go to that page, look at this, look

1 CERTIFICATION PAGE
2

3 STATE OF WISCONSIN)
4 MILWAUKEE COUNTY)
5

6 I, PAULA M. HUETTENRAUCH, RMR, CRR,
7 Notary Public in and for the State of Wisconsin, do
hereby certify:
8

9 That prior to being examined, the
deponent named in the foregoing deposition,
ANDREW L. COLBORN, was by me duly sworn to testify
the truth, the whole truth, and nothing but the
truth.
10

11 That said deposition was taken before
me at the time, date, and place set forth; and I
12 hereby certify the foregoing is a full, true, and
correct transcript of my shorthand notes so taken and
thereafter reduced to computerized transcription
13 under my direction and supervision.
14

15 I further certify that I am neither
counsel for nor related to any party to said action,
nor in any way interested in the outcome thereof; and
16 that I have no contract with the parties, attorneys,
or persons with an interest in the action that
affects or has a substantial tendency to affect
17 impartiality, or that requires me to provide any
service not made available to all parties to the
action.
18

19 IN WITNESS WHEREOF, I have hereunto
20 subscribed my name this 28th day of July, 2022.
21



22
23 Paula M. Huettenrauch, RMR, CRR
Notary Public - State of Wisconsin
24

My Commission Expires 8/18/2023
25

